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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,659	09/23/1999	HIROYUKI OGINO	35.C13851	4965

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EXAMINER	
SCHWARTZ, PAMELA R	

ART UNIT	PAPER NUMBER
1774	19

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-19

Advisory Action	Application No. 09/401,659	Applicant(s) OGINO ET AL.	
	Examiner Pamela R. Schwartz	Art Unit 1774	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

   (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *the amendment to the last line of claim 1 raises new issues*.

3. ☒ Applicant's reply has overcome the following rejection(s): *See Continuation Sheet*.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

PAMELA R. SCHWARTZ
PRIMARY EXAMINER

Continuation of 3. Applicant's reply has overcome the following rejection(s): the rejection under 35 USC 112 paragraph 2 is overcome. However, it is noted that the claimed invention is limited to the alumina hydrate being of the flat plate form.

Continuation of 5. does NOT place the application in condition for allowance because: applicant argues that the method of forming the alumina hydrate must be distinct from the prior art in that it must contain a "rapid cooling treatment" in order to obtain alumina hydrate with the parallellization degree as claimed. The examiner was unaware of the need for such a treatment and was unable to find this clearly set forth in the specification. On page 8, the specification indicates that the method of forming is by a known process. Page 33 says nothing more than that water is added to cool it. No temperature for the water is set forth and no time period for cooling the alumina hydrate slurry is set forth. Therefore, it is unclear that the specification sets forth a rapid cooling treatment. If this is necessary in order to form the claimed medium and is not taught by the prior art, there is a question raised concerning the enablement of the specification. The examiner would like to know if a rapid cooling step is necessary and if it is necessary, whether applicants believe this to be taught in their specification or if they believe that it is unnecessary to teach this technique because it is part of the prior art. Consequently, this argument requires clarification. Until such clarification, the examiner will treat the cooling step as an inherent part of the prior art process. Under such conditions, the rejections over the prior art are considered to be proper.